IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 19420 of 2002

Between:

1 Smt. C. Mallamma W/o Yadaiah
7-4-82, Gaganpahad,
Rajendranagar (M), R.R.Dist
2 C. Praveen Kumar S/o Sreenu
7-4-73, Gaganpahad (V), Rajendra Nagar (M), R.R.Dist.
3 C. Anil Kumar S/o Sudarshan Goud
7-4-74, Gaganpahad (V), Rajendra Nagar (M), R.R.Dist.
4 M. Anil kumar S/o Venkaiah
7-4-78/1, Gaganpahad (V), Rajendra Nagar (M), R.R.Dist.
5 P. Janardhan S/o Tukaram
7-4-74/2, Gaganpahad (V), Rajendra Nagar (M), R.R.Dist.
6 C. Vijaya Lakshmi W/o Narsimha Goud
7-4-13, Gaganpahad (V), Rajendra Nagar (M), R.R.Dist.

..... PETITIONER(S)

AND

1 The State of A.P. Secretary
R & B Secretariat, Hyderabad
2 The Superintending Engineer R & B, R.R.Dist.
Goshamahal, Hyderabad
3 The Revenue Divisional Officer Chevella Division
Domalguda, Hyderabad
4 The District Collector R.R.Dist.
Lakdikapul, Hyderabad
5 The Mandal Revenue Officer Rajendra Nagar (M)
Rajendranagar

6. The Project Director, National Highways authority, H.No.. 6-1-132/65, Opp. Water Tank, Padma Rao Nagar, Secunderabad (R6 is impleaded as per court order in WPMP No. 27322 of 2003 dated 31.10.2003)

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondents in threatening to demolish the houses of the petitioners bearing Nos. H.No.7-4-82, 7-4-73, 7-4-74, 7-4-74/2 and 7-4-13 situated at Gaganpahad, Rajendra Nagar (M), R.R.Dist. without issuing any notice or following due process of law for the purpose of road widening as illegal, arbitrary and violation of Art. 21 and 300 (a) of Constitution of India and consequently direct the respondents not to dispossess the petitioner from their houses by demolishing the structures without following the due process of law by issuing notices

Counsel for the Petitioners:MR.M.JANARDHAN RAO

Counsel for the Respondents 1 to 5: G.P. for Roads and Buildings.

Counsel for the respondent 6: Mr. M. V. KINI (7232)

The Court made the following :

ORDER:

It is represented by the counsel on either side that this Writ Petition is squarely covered by the orders of this court, in the connected matter in Writ Petition

No. 12951 and batch dated 20.8.2003.

Following the same, this Writ Petition is disposed of in terms thereof, with the directions to the following effect:

> "In the result, for the above reasons, the Writ Petitions are disposed of giving liberty to the NHAI to acquire the land in accordance with the provisions of the Act. At the time of determination of compensation under Section 3G of the Act, it is open to the competent authority to conduct enquiry in accordance with sub-section (4) of Section 3G and also determine the interest of the petitioners in the land. If there is still any dispute as to the ownership of the land, it is also open to the competent authority under the Act to refer the dispute to the decision of the Civil Court of original jurisdiction within whose jurisdiction land is situated. In view of the directions issued above, the interim orders stand vacated. No costs."

01.11.2004

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That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Monday the First day of November Two Thousand and Four.

To

1 The State of A.P. Secretary
R & B Secretariat, Hyderabad
2 The Superintending Engineer R & B, R.R.Dist.
Goshamahal, Hyderabad
3 The Revenue Divisional Officer Chevella Division
Domalguda, Hyderabad
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6. The Project Director, National Highways authority, H.No.. 6-1-132/65, Opp. Water Tank, Padma Rao Nagar, Secunderabad

7.2CCs to G.P. for Roads and Buildings, High Court of A.P. Hyderabad (out)

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